

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 7, 1998

DIVISION ONE

[illegible]

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

[illegible]

We affirm the judgment.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

B118739 Janice D. (Not for Publication)
v.
The Superior Court
L.A. Co. Dept. of Children and Family Services

The petition for extraordinary writ is denied.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

April 7, 1998-Continued

DIVISION TWO

[illegible]

The Court:

The judgment is affirmed.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

B111309 People (Not for Publication)
v.
Juengain

The Court:

The judgment of conviction is affirmed. The matter is remanded for resentencing so that the trial court may exercise its discretion whether to impose concurrent or consecutive terms for the carjacking offenses.

Boren, P.J., Nott, J., Zebrowski, J.

B110958 People (Not for Publication)
v.
Valencia

The Court:

The judgment is affirmed.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

April 7, 1998-Continued

DIVISION TWO (Continued)

B113608 Salser (Not for Publication)

V.

Western Area Council Boy Scouts of America

The order is affirmed. BSA is awarded its costs on appeal.

Nott, J.

We concur: Fukuto, Acting P.J.

Zebrowski, J.

B113976 People (Not for Publication)

V.

LaMotte

The judgment is affirmed.

Nott, J.

We concur: Fukuto, Acting P.J.

Zebrowski, J.

B111579 People (Not for Publication)

V.

Gilbert

The Court:

The judgment of conviction is affirmed. The matter is remanded for resentencing in accordance with the views expressed herein.

Boren, P.J., Nott, J., Zebrowski, J.

DIVISION FOUR

B113723 Field et al. (Not for Publication)

v.

Santa Monica Rent Control Board

The appeal is dismissed.

Epstein, Acting P.J.

We concur: Baron, J.
 Czuleger, J. (Assigned)

B106519 Leonard, Jr., et al. (Certified for Publication)

v.

The People ex rel. Department of Transportation

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Baron, J.
 Czuleger, J. (Assigned)

B113258 Shelly (Certified for Publication)

v.

Stepp et al.

The judgment is affirmed.

Baron, J.

We concur: Epstein, Acting P.J.
 Czuleger, J. (Assigned)

DIVISION FIVE

B102700 Meller & Snyder (Certified for Publication)

v.
R & T Enterprises

The judgment is reversed. The matter is remanded for further proceedings consistent with the views expressed in this opinion. Defendant, R & T Properties, is to recover its costs on appeal from plaintiff, Meller & Snyder.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

B113896 People (Not for Publication)

V.
Bruce Wells, Jr.

The judgment of conviction and sentence are affirmed except as to the award of presentence credits. The award of presentence credits is modified to indicate defendant is to receive 141 days of credits for time actually spent in custody and 21 days of conduct credits. The clerk of superior court is to prepare an amended abstract of judgment and forward it to the Department of Corrections.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

B119009 People
v.
Donald Ray Hill

Filed order denying petition for rehearing.

DIVISION FIVE (Continued)

B112598 Los Angeles County, D.C.S. (Not for Publication)
v.
Samantha T.

The judgment is reversed. The case is remanded to the trial court for a determination of whether appellant faces a substantial period of incarceration which would pose a barrier to reunification. If that is not the case, the trial court is directed to enter an order finding that Chastity, Tabatha, and Heather *would not* be at substantial risk of detriment if they were returned to appellant, order them returned to appellant, and terminate dependency jurisdiction.

Armstrong, J.

I concur: Godoy Perez, J.
I dissent: Turner, P.J. (Opinion)

B105677 Steven J. Wohl (Not for Publication)
v.
The Law Offices of George Aaron etc. et al.

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Godoy Perez, J.

DIVISION SIX

B117349 People (Not for Publication)
v.
Price

The judgment is affirmed.

Yegan, J.

We concur: Stone, P.J.
Coffee, J.

April 7, 1998-Continued

DIVISION SIX (Continued)

B115071 Long (Not for Publication)
v.
W C A B
State Comp. Ins Fund

The decision of the WCAB is annulled and the matter is remanded for further proceedings consistent with this opinion.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

DIVISION SEVEN

B107709 People (Not for Publication)
v.
Horace

The judgment is affirmed.

Neal, J.

We concur: Johnson, Acting P.J.
 Woods, J.

B109626 People (Not for Publication)
v.
Halajyan

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
 Johnson, J.

April 7, 1998-Continued

DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed.

Neal, J.

We concur: Johnson, Acting P.J.
 Woods, J.

B115294 People v. Harris (Not for Publication)

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Neal, J.

B112386 People v. Stewart (Not for Publication)

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

DIVISION SEVEN (Continued)

B115193 People
 v.
 Aguilar

Filed order denying petition for rehearing.

B107660 Waystations
 v.
 Acro Realty Corp.

Filed order submitting matter.

B113030 People (Not for Publication)
 v.
 Silva

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
 Neal, J.

B106646 Threet (Not for Publication)
 v.
 Ladd

The judgment of the superior court is affirmed. Respondent to recover her costs on appeal.

Woods, J.

We concur: Johnson, Acting P.J.
 Neal, J.

April 7, 1998-Continued

DIVISION SEVEN (Continued)

[illegible]

The orders under review are affirmed.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

[illegible]

Appellant's conviction is affirmed. The sentence is modified by striking the two one-year enhancement for prior terms served, and is affirmed as modified.

Neal, J.

We concur: Johnson, Acting P.J.
Woods, J.

(Not for Publication)

B118422 In re Krystal G., James G., and Breannah G. minors
Douglas G.
v.
Superior Court, Los Angeles County
(County of Los Angeles, D.C.F.S., r.p.i.)

Because substantial evidence supports the juvenile court's order to conduct a hearing pursuant to section 366.26, the petition is denied on the merits. (See *In re Joanne Y.* (1992) 8 Cal.App.4th 433, 439; *In re Shaundra L.* (1995) 33 Cal.App.4th 303, 316.)

Woods, J.

We concur: Lillie, P.J.
 Johnson, J.

DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed as to the conviction and the 25 years to life sentence. The part of the judgment imposing three additional one-year sentence enhancements pursuant to Penal Code section 667.5 for the prior convictions for second degree burglary, receiving stolen property and possession of a controlled substance is reversed, and remanded for a new proceeding to determine the validity of the enhancement allegations under Penal Code, § 667.5 and for resentencing.

Johnson, J.

I concur: Lillie, P.J.

I concur and dissent: Woods, J. (Opinion)

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|---------|---------------------------------------|-----------------------------|
| B113351 | In re Marissa T., a minor | (Certified for Publication) |
| | Los Angeles County, D.C.S. v. Lora R. | |
| B115793 | In re Lora R. on Habeas Corpus | |

The writ petition is denied. On appeal, the juvenile court's April 22, 1997, order terminating Lora R.'s parental rights as to Marissa T. is reversed. The case is remanded to the juvenile court to conduct a section 366.26 hearing concerning Lora R.'s parental rights. Upon remand, Lora R. shall be afforded notice of the hearing pursuant to Welfare and Institutions Code section 366.23, subdivision (b). If Lora R. cannot be served as provided in paragraphs (1) - (4) of subdivision (b), the DCFS shall prepare the documentation specified in section 366.23, subdivision (b)(5) to set forth the efforts to locate and serve Lora R. The juvenile court shall make specific findings on the record concerning DCFS's "due diligence" efforts to locate and serve Lora R. If the court determines that there has been "due diligence" the court is directed to order Lora R. be served pursuant to section 366.23, subdivision (b)(5)(B). Lora R. is entitled to costs on appeal.

Woods, J.

We concur: Johnson, Acting P.J.
Neal, J.

April 7, 1998-Continued

DIVISION SEVEN (Continued)

B114046 Los Angeles County, D.C.S.

v.

Lucille Henry

In re Roshanda S.

Filed order denying petition for rehearing.